

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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Investigation by the Department of Telecommunications  
and Energy on its own motion, pursuant to G.L. c. 159  
§§12 and 16, into the collocation security policies of Verizon  
New England Inc. d/b/a Verizon Massachusetts

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D.T.E. 02-8

**MOTION FOR GOOD CAUSE  
OF COVAD COMMUNICATIONS COMPANY**

Pursuant to 220 C.M.R. §1.02(5), Covad Communications Company (“Covad”) hereby files this motion for good cause with the Department of Telecommunications and Energy (“Department”) for leave to intervene as a late-filed party in the above-referenced proceeding. In support of this motion, Covad states the following:

1. Covad is a California corporation with its headquarters at 3420 Central Expressway, Santa Clara, California 95051.
2. Covad is a certificated competitive local exchange carrier (“CLEC”) in the Commonwealth of Massachusetts. Covad collocates telecommunications equipment on Verizon premises pursuant to Section 251(c)(6) of the Communications Act of 1934, as amended (“Act”). *See* 47 U.S.C. § 251(c)(6).
3. Covad’s interests would be substantially and significantly affected by the Department’s review and decision in this docket. Specifically, Covad will be affected by any change in Verizon’s collocation security policies with respect to, but not limited to, the extent and nature of appropriate access by Covad personnel to Verizon’s central

office for accessing collocation sites and whether cageless collocation arrangements remain an acceptable security risk.

4. Covad apologizes to the Department for filing its petition to intervene after the deadline. The following circumstances prevented a timelier filing of the petition to intervene.

5. I recently joined Covad as it's new regional counsel handling matters in states within the Verizon footprint, including Massachusetts. In light of my recent appointment, I am not identified on any of the Department's service lists<sup>1</sup> and, therefore, did not receive notice pursuant to the Department's Order of Notice, dated January 24, 2002, to Verizon in this proceeding. Also, since I am located in Washington, D.C., and not in the Commonwealth of Massachusetts, I did not receive notice through publication in either the Boston Globe or the Boston Herald.

6. Actual notification of the above-referenced proceeding, which led to Covad filing its petition to intervene, was obtained from Verizon's notification to Covad in a letter dated February 6, 2002 (letter is attached at Exhibit 1).<sup>2</sup> Due to inherent delays by the United States Postal Service in delivering the notification, that letter was only, in fact, received by Covad several days later. Upon receipt of the notification, Covad promptly filed its petition to intervene with the Department without delay.

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<sup>1</sup> Specifically, D.T.E 98-21, D.T.E. 98-57, and D.T.E. 98-58.

<sup>2</sup> As can be seen on Verizon's wholesale website, Verizon's Industry Notification to competitive local exchange carriers ("CLECs") of the Department's Investigation into Verizon's Collocation Security Policies was through an Industry Letter dated February 6, 2002. Covad did not receive an electronic notification that this letter was posted on Verizon's website as is customary.  
See [www22.verizon.com/wholesale/frames/generic\\_frame\\_east/0,2656,industry\\_letters,00.html](http://www22.verizon.com/wholesale/frames/generic_frame_east/0,2656,industry_letters,00.html)

WHEREFORE, based upon the foregoing, Covad apologizes for the late-filing and hereby requests that this motion for good cause be granted and that Covad may intervene in the proceeding with all rights to participate as a full party.

Respectfully submitted,

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Dated: February 22, 2002

## **EXHIBIT 1**